

THE GRIFFITH FIRM

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January 26, 2023

VIA ECF

Hon. P. Kevin Castel, U.S.D.J.
United States District Court for the
Southern District of New York
500 Pearl Street, Courtroom 11D
New York, New York 10007

Re: *Neuman v. Garcia, et al.*, Case No. 1:20-cv-10723-PKC

Dear Judge Castel:

Pursuant to Local Civil Rule 37.2 and § 3.B of your Individual Practices, Plaintiff Phil Neuman requests a pre-motion informal discovery conference to resolve the parties' dispute over the proper scope of discovery and to discuss an appropriate extension of the discovery deadlines pending resolution of the parties' discovery disputes.

I have attempted to resolve the discovery issues with defense counsel. On January 9, 2023, I sent a letter setting for specific deficiencies in Defendant Jose Garcia's response to Neuman's document requests (which asserted 10 "general objections" to every request and specific objections to most requests). Although defense counsel promised a written response, I have not received one and defense counsel was not available for a Rule 37(a)(1) conference until last Friday, January 20, 2023. During that telephone conference, in which two of the four lawyers representing Garcia participated, we could not resolve any of the discovery issues raised in my January 9, 2023 letter. Defense counsel also raised alleged deficiencies in Neuman's response to Garcia's document request, which also could not be resolved.

I thought defense counsel and I had nevertheless agreed to send a joint letter requesting a Local Rule 37.2 informal discovery conference and to alert the Court to the need for a discovery extension. In particular, depositions cannot be completed by the current February 1, 2023 deadline because the parties' disputes over written discovery must be resolved before depositions are scheduled. I circulated a two-paragraph draft of such a letter to Garcia's four lawyers last Sunday, January 22, 2023, with a request for comments or approval by Monday, January 23, 2023, but they have still not responded despite my follow-up email from yesterday morning.

Not wanting to further delay apprising the Court of the status of discovery, this letter unilaterally requests a Local Rule 37.2 conference.

Plaintiff shall state the details of the outstanding discovery dispute and the relief sought, including any extension of discovery due February 3. Defendant shall respond by Feb 9.
SO ORDERED
USDS
1-26-23

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Thank you for considering this matter.

Sincerely,

/s/ Edward Griffith

Edward Griffith

EG:gb

cc: James H. Hulme, Esq.
Julius A. Rousseau, III, Esq.
David James Ward, Esq.
Anna Mandel, Esq.